

REMARKS

Claims 1-3, 6-8, 31, 47-51, and 53-60 are pending. Claim 5 has been cancelled without prejudice or disclaimer. Claims 1 and 54-59 have been amended. No new matter has been added. Support for the amendments may be found in at least paragraph 0021 of the application. Applicant respectfully submits that the claims are in condition for allowance.

I. Claim Objections

The Office has objected to claims 1, 54, and 59, at paragraph 3 of the Office Action, because of various informalities. Applicants have amended claims 1, 54, and 59 accordingly. Applicants respectfully request withdrawal of the objections to claims 1, 54, and 59.

II. 35 U.S.C. § 112

The Office has rejected claim 5, at paragraphs 4-5 of the Office Action, under 35 U.S.C. § 112 second paragraph. Claim 5 has been cancelled without prejudice or disclaimer, rendering its rejection moot.

The Office has rejected claims 55-58, at paragraph 6 of the Office Action, under 35 U.S.C. § 112 second paragraph. Claims 55-58 have been modified according to the suggestion of the Office in paragraph 6. Applicant respectfully requests withdrawal of the rejections to claims 55-58 under 35 U.S.C. § 112.

III. 35 U.S.C. § 103

A. Claims 1-3, 5-8, and 31 are Allowable

The Office has rejected claims 1-3, 5-8, 29, and 31, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent Publication No. 2003/0039242 (“Moore”), in view of U.S. Patent No. 7,308,263 (“Gallagher”), and further in view of U.S. Patent Publication No. 2004/0152482 (“Raffel”), U.S. Patent No. 6,993,363 (“Hsu”), and U.S. Patent Publication No. 2004/0259544 (“Amos”). Applicant respectfully traverses the rejections.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 1. For example, the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1.

Moore describes a Voice over Internet Protocol (VoIP) gateway for a VoIP telephone network. See Moore, Abstract. In Moore, a cable modem allows communication between the handset and the VoIP telephone network via the VoIP gateway and a local network that connects the handset to the VoIP gateway. See Moore, Abstract. The cited portions of Moore are silent as to enforcing a quality of service. Thus, the cited portions of Moore fail to disclose or suggest at least one element of claim 1.

Gallagher describes a wireless communication handset comprising licensed wireless communication signal processing circuitry and unlicensed wireless communication signal processing circuitry. See Gallagher, Abstract. In Gallagher, a control circuit is connected to both the licensed wireless communication signal processing circuitry and the unlicensed wireless communication signal processing circuitry. See Gallagher, Abstract. In Gallagher, a measurement report is formulated that contains signal strength information that corresponds to the strength of a signal received through the unlicensed wireless communication signal processing circuitry. See Gallagher, Abstract. In Gallagher, the measurement report also contains a request to transfer a wireless communication session from a licensed wireless system to an unlicensed wireless system. See Gallagher, Abstract. The cited portions of Gallagher are silent as to enforcing a quality of service. Thus, the cited portions of Gallagher fail to disclose or suggest at least one element of claim 1.

Raffel describes a mobile station that communicates with both a cellular network, by which it is assigned a mobile identification number, and to a cordless cellular base station utilizing the same cellular frequency range and communications protocol. See Raffel, Abstract. In Raffel, the cordless cellular base station is preferably connected to a public switched

telephone network and is assigned a landline number. See Raffel, Abstract. Thus, in Raffel, a mobile station communicates with both a cellular network and with a cordless cellular base station. The cited portions of Raffel are silent as to enforcing a quality of service. Thus, the cited portions of Raffel fail to disclose or suggest at least one element of claim 1.

Hsu describes a relatively small passive monitor tool that provides one or more alerts to a user of a mobile station, to readily notify the user, even if the station is carried in a pocket or purse. See Hsu, Abstract. In Hsu, the monitor tool listens to the access channel for periodic keep-alive signals from the mobile station. See Hsu, Abstract. In Hsu, when the monitor tool fails to detect such signals from the station, for example, for some interval, the tool provides another perceptible alert to the user. See Hsu, Abstract. Thus, in Hsu, a monitor tool listens to an access channel for keep-alive signals and when the monitor tool fails to detect such signals, provides an alert to the user. The cited portions of Hsu are silent as to enforcing a quality of service. Thus, the cited portions of Hsu fail to disclose or suggest at least one element of claim 1.

Amos describes sending and receiving Voice-over-Internet-Protocol data over a wireless computer network utilizing a hybrid wireless Voice-over-Internet-Protocol telephone. See Amos, Abstract. In Amos, the wireless handset is equipped with both a wireless personal area network transceiver and a wireless local area network transceiver. See Amos, Abstract. In Amos, the base station is equipped with a wireless personal area network transceiver and a network interface card. See Amos, Abstract. The cited portions of Amos are silent as to enforcing a quality of service. Thus, the cited portions of Amos fail to disclose or suggest at least one element of claim 1. Therefore, the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos, individually or in combination, fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable. Claims 2-3, 5-8, and 31 are allowable, at least by virtue of depending from an allowable claim.

In addition, there is no motivation to make the proposed combination because the proposed combination of Moore, Gallagher, Raffel, Hsu, and Amos renders at least one of the references unsuitable for its intended purpose. See MPEP 2143.01 (v). For example, Gallagher describes a system for handover of a telecommunication session between a licensed wireless

system and an unlicensed wireless system to allow for the utilization of a single telephone number for both landline communications by a landline phone and licensed wireless communications by a mobile device. See Gallagher Abstract; col. 2, lines 13-24; col. 15, and line 55 through col. 16, line 5. The modification of Gallagher to accommodate the use of a first telephone number associated with mobile telephony circuitry and a second telephone number associated with a landline phone would render Gallagher unsatisfactory for its intended purpose of allowing for the use of a single telephone number for use with a landline phone and a mobile device. Therefore, there is no suggestion or motivation to combine Moore, Gallagher, Raffel, Hsu, and Amos because the resulting combination would render Gallagher unsuitable for its intended purpose. In response to this argument, the Office asserts, at page 5 of the office action, that “applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art.” Applicants respectfully disagree. Gallagher states that the purpose of the system in Gallagher is for the utilization of a single telephone number. Therefore, the proposed modification does not provide an advantage because it renders Gallagher unsatisfactory for its intended purpose. For at least this additional reason, claims 1-3, 5-8, and 31 are allowable.

Further, Applicant respectfully submits that the Office is using impermissible hindsight to select specific components of five disparate references without considering the references as a whole. “It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art.” *See Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.* 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986). For at least this additional reason, claims 1-3, 5-8, and 31 are allowable.

B. Claim 47 is Allowable

The Office has rejected claim 47, under 35 U.S.C. §103(a), as being unpatentable over Moore, in view of Gallagher, Raffel, Hsu, Amos, and further in view of U.S. Patent No. 6,091,948 (“Carr”). Applicant respectfully traverses the rejection.

Claim 47 depends from claim 1. As explained above, the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos fail to disclose at least one element of claim 1. The cited

portions of Carr fail to disclose or suggest those elements of claim 1 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos. For example, the cited portions of Carr fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1. In Carr, P-ON ALERT and P-OFF ALERT settings are indicative of whether a user wishes to be prompted to decide at power on and power off, respectively, if call forwarding should be deactivated or activated, respectively. See Carr, Col. 10, lines 21-25. The cited portions of Carr describe settings that indicate whether the user should be prompted about call forwarding at power on and power off. The cited portions of Carr fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1, from which claim 47 depends. Hence, claim 47 is allowable.

C. Claim 48 is Allowable

The Office has rejected claim 48, under 35 U.S.C. §103(a), as being unpatentable over Moore, Gallagher, Raffel, Hsu, and Amos, and further in view of U.S. Patent No. 6,708,028 (“Byrne”). Applicant respectfully traverses the rejection.

Claim 48 depends from claim 1. As explained above, the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos fail to disclose at least one element of claim 1. The cited portions of Byrne fail to disclose or suggest those elements of claim 1 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos. For example, the cited portions of Byrne fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1. Byrne describes a radio telephone capable of being operated in more than one radio

telephone system, comprising communication means respectively associated with each of the more than one radio telephone system, monitoring means for monitoring signals of the more than one radio telephone system, and selection means responsive to said monitoring means for automatically selecting and re-selecting respective said communication means in accordance with the signals of one of the more than one radio telephone system fulfilling at least one predetermined criterion. See Byrne, Abstract. Thus, Byrne describes a radio telephone capable of being operated in more than one radio telephone system. The cited portions of Byrne fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1, from which claim 48 depends. Hence, claim 48 is allowable.

D. Claim 49 and 50 are Allowable

The Office has rejected claims 49 and 50, under 35 U.S.C. §103(a), as being unpatentable over Moore, in view of Gallagher, Raffel, Hsu, Amos, and further in view of U.S. Patent Application Publication No. No. 2002/0143738 (“Miyakoshi”). Applicant respectfully traverses the rejections.

Claims 49 and 50 depend from claim 1. As explained above, the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos fail to disclose at least one element of claim 1. The cited portions of Miyakoshi fail to disclose or suggest those elements of claim 1 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos. For example, the cited portions of Miyakoshi fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1. Miyakoshi describes a portable information terminal that relates stored data in a mobile telephone to a base station code and retrieves and presents the stored data when the mobile telephone receives the base station code. See Miyakoshi, Abstract. The cited portions of Miyakoshi fail to disclose or suggest a voice conversion module configured to

convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1, from which claims 49 and 50 depend. Hence, claims 49 and 50 are allowable.

E. Claim 51 is Allowable

The Office has rejected claim 51, under 35 U.S.C. §103(a), as being unpatentable over Moore, in view of Gallagher, Raffel, Hsu, Amos, and Miyakoshi, and further in view of U.S. Patent No. 6,269,395 (“Blatherwick”). Applicant respectfully traverses the rejection.

Claim 51 depends from claim 1. The cited portions of Blatherwick fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Hsu, Amos, and Miyakoshi. For example, the cited portions of Blatherwick fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1. In Blatherwick, if a user selects a service associated with a first access point, a program, without further input from the user, connects with the access point, provides the access point with the user's password and user ID, if necessary, as well as access point specific network configuration parameters and launches the selected service. See Blatherwick, Abstract. In Blatherwick, if the user then selects another service associated with the same access point, the program, without further input from the user, launches the other service. See Blatherwick, Abstract. In Blatherwick, if the user selects a service associated with a second access point, if a second communication link is available, the program, without further input from the user, connects with the second access point, provides any necessary password, user ID and network configuration parameters to the access point and launches the service. See Blatherwick, Abstract. The cited portions of Blatherwick fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher

priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1, from which claim 51 depends. Hence, claim 51 is allowable.

F. Claim 53 is Allowable

The Office has rejected claim 53, under 35 U.S.C. §103(a), as being unpatentable over Moore, in view of Gallagher, Raffel, Hsu, and Amos, and further in view of U.S. Patent Application Publication No. 2004/0100906 (“Gay”). Applicant respectfully traverses the rejection.

Claim 53 depends from claim 1. The cited portions of Gay fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos. For example, the cited portions of Gay fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1. Gay describes a system that provides preferred service flow of high priority messages between electronic devices that defaults to a standard procedure when appropriate resources are not available. See Gay, Abstract. The cited portions of Gay fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1, from which claim 53 depends. Hence, claim 53 is allowable.

G. Claims 54-57 are Allowable

The Office has rejected claims 54-57, under 35 U.S.C. §103(a), as being unpatentable over Moore, in view of Gallagher, Raffel, and further in view of U.S. Patent No. 7,171,216 (“Choksi”), and further in view of Hsu. Applicant respectfully traverses the rejections.

The cited portions of Moore, Gallagher, Raffel, Choksi, and Hsu, individually or in combination, do not disclose or suggest the specific combination of claim 54. For example, the cited portions of Moore, Gallagher, Raffel, Choksi, and Hsu fail to disclose or suggest a voice

conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 54.

As explained above, the cited portions of Moore, Gallagher, Raffel, and Hsu are silent as to enforcing a quality of service, as in claim 54. Choksi describes a method and system for detecting a wireless network that includes receiving at a mobile device a signal having data indicative of a location of the mobile device. See Choksi, Abstract. In Choksi, a determination is made whether the mobile device is within the coverage area of a specified network based on the data. See Choksi, Abstract. In Choksi, the mobile device scans for the specified network in response to at least determining that it is within the coverage area of the specified network. See Choksi, Abstract. The cited portions of Choksi fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 54. Therefore, the cited portions of Moore, Gallagher, Raffel, Choksi, and Hsu, individually or in combination, fail to disclose or suggest at least one element of claim 54. Hence, claim 54 is allowable. Claims 55-57 are allowable, at least by virtue of depending from an allowable claim.

In addition, there is no motivation to make the proposed combination because the proposed combination of Moore, Gallagher, Raffel, Choksi, and Hsu renders at least one of the references unsuitable for its intended purpose. See MPEP 2143.01 (v). For example, Gallagher describes a system for handover of a telecommunication session between a licensed wireless system and an unlicensed wireless system to allow for the utilization of a single telephone number for both landline communications by a landline phone and licensed wireless communications by a mobile device. See Gallagher Abstract; col. 2, lines 13-24; col. 15, and line 55 through col. 16, line 5. The modification of Gallagher to accommodate the use of a first telephone number associated with mobile telephony circuitry and a second telephone number associated with a landline phone would render Gallagher unsatisfactory for its intended purpose of allowing for the use of a single telephone number for use with a landline phone and a mobile

device. Therefore, there is no suggestion or motivation to combine Moore, Gallagher, Raffel, Choksi, and Hsu because the resulting combination would render Gallagher unsuitable for its intended purpose. In response to this argument, the Office asserts that “applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art.” Applicants respectfully disagree. Gallagher states that the purpose of the system in Gallagher is for the utilization of a single telephone number. Therefore, the proposed modification does not provide an advantage because it renders Gallagher unsatisfactory for its intended purpose. For at least this additional reason, claims 54-57 are allowable.

Further, Applicant respectfully submits that the Office is using impermissible hindsight to select specific components of five disparate references without considering the references as a whole. For at least this additional reason, claims 54-57 are allowable.

H. Claim 58 is Allowable

The Office has rejected claim 58, under 35 U.S.C. §103(a), as being unpatentable over Moore, in view of Gallagher, Raffel, Choksi, and Hsu, and further in view of U.S. Patent No. 6,711,146 (“Yegoshim”). Applicant respectfully traverses the rejection.

Claim 58 depends from claim 54. The cited portions of Yegoshim fail to disclose or suggest the elements of claim 54 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Choksi, and Hsu. For example, the cited portions of Yegoshim fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 54. Yegoshim describes a communication system for an organization having multiple sites that uses a dual-mode device capable of both cell phone communication and telephone communication on a local area network (LAN). See Yegoshim, Abstract. In Yegoshim, Internet Protocol (IP) LANs are established at organization sites such that a temporary IP address is assigned to a dual-mode device that logs onto an organization LAN, and the IP address is associated at a PSTN-connected server on the LAN with the cell phone number of the communication device. See Yegoshim, Abstract. The IP server notifies a PSTN-connected routing server when a device logs on to a

LAN, and also provides a destination number for the IP server. See Yegoshim, Abstract. The cited portions of Yegoshim fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 54, from which claim 58 depends. Hence, claim 58 is allowable.

I. Claims 59 and 60 are Allowable

The Office has rejected claims 59 and 60, under 35 U.S.C. §103(a), as being unpatentable over Moore, in view of Gallagher, Raffel, and further in view of Amos. Applicant respectfully traverses the rejections.

The cited portions of Moore, Gallagher, Raffel, and Amos, individually or in combination, do not disclose or suggest the specific combination of claim 59. As explained above, the cited portions of Moore, Gallagher, Raffel, and Amos fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 59. Hence, claim 59 is allowable. Claim 60 is allowable, at least by virtue of depending from an allowable claim.

In addition, there is no motivation to make the proposed combination because the proposed combination of Moore, Gallagher, Raffel, and Amos renders at least one of the references unsuitable for its intended purpose. See MPEP 2143.01 (v). For example, Gallagher describes a system for handover of a telecommunication session between a licensed wireless system and an unlicensed wireless system to allow for the utilization of a single telephone number for both landline communications by a landline phone and licensed wireless communications by a mobile device. See Gallagher Abstract; col. 2, lines 13-24; col. 15, and line 55 through col. 16, line 5. The modification of Gallagher to accommodate the use of a first telephone number associated with mobile telephony circuitry and a second telephone number associated with a landline phone would render Gallagher unsatisfactory for its intended purpose of allowing for the use of a single telephone number for use with a landline phone and a mobile

device. Therefore, there is no suggestion or motivation to combine Moore, Gallagher, Raffel, and Amos because the resulting combination would render Gallagher unsuitable for its intended purpose. In response to this argument, the Office asserts, at page 5 of the office action, that “applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art.” Applicants respectfully disagree. Gallagher states that the purpose of the system in Gallagher is for the utilization of a single telephone number. Therefore, the proposed modification does not provide an advantage because it renders Gallagher unsatisfactory for its intended purpose. For at least this additional reason, claims 59-60 are allowable.

Further, Applicant respectfully submits that the Office is using impermissible hindsight to select specific components of four disparate references without considering the references as a whole. For at least this additional reason, claims 59-60 are allowable.

CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.


The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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